

**Harry B. Wilson, OSB #077214**  
HarryWilson@MarkowitzHerbold.com  
MARKOWITZ HERBOLD PC  
1455 SW Broadway, Suite 1900  
Portland, OR 97201  
Tel: (503) 295-3085

**Roberta A. Kaplan**, *admitted pro hac vice*  
rkaplan@kaplanhecker.com  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Tele: (212) 763-0883

Of Attorneys for Dr. Esther Choo

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**A.B.,**

Case No. 3:21-cv-00311-HZ

Plaintiff,

v.

**NON-PARTY DR. ESTHER  
CHOO'S UNOPPOSED MOTION  
FOR LEAVE TO FILE REPLY**

**DR. JASON CAMPBELL and OREGON  
HEALTH & SCIENCE UNIVERSITY,**

**Local Rule 26-3(c)**

Defendants.

**Oral Argument Requested**

---

**LR 7-1 CERTIFICATION**

In compliance with Local Rule 7-1, counsel for Dr. Choo certifies that he conferred by telephone and email with counsel for Plaintiff and counsel for Plaintiff does not oppose this motion.

## **MOTION**

Pursuant to Local Rule 26-3(c), Dr. Choo hereby moves for leave to file the Reply Memorandum in Support of her Motion for Protective Order, attached hereto as Exhibit 1, in further support of Dr. Choo's Motion.

## **MEMORANDUM**

On April 14, 2021, non-party Dr. Esther Choo ("Dr. Choo") filed a Motion for Protective Order, ECF 33, seeking protection regarding the confidentiality of Plaintiff's document requests, her Responses to such document requests, and the negotiations surrounding the document requests. That same day, Plaintiff filed her Response to Dr. Choo's Motion for Protective Order, ECF 35.

Plaintiff's Response contains numerous falsehoods that should, for fair consideration of Dr. Choo's Motion, be corrected. *First*, Plaintiff suggests that it was clear from the April 14, 2021 meet and confer that Plaintiff's counsel did not oppose the relief sought in her Motion for Protective Order. Nothing could be further from the truth. Instead, Plaintiff's counsel explicitly stated that he could not commit to keeping the Responses confidential. *See* ECF 36-1 ("You asked me to confirm whether plaintiff was going to treat the subpoena response confidential in the future if the subpoena response was not designated confidential according to the protective order. I said I could not say."). *Second*, Plaintiff's Counsel's accompanying Declaration to the Response, ECF 36-1, does not accurately convey what actually occurred during that telephone call. *See* Declaration of Rachel L. Tuchman in Support of Unopposed Motion for Leave to File Reply.

Accordingly, Dr. Choo hereby requests the Court grant this unopposed motion for leave to file the Reply Memorandum in Support of her Motion for Protective Order, attached hereto as Exhibit 1, in further support of Dr. Choo's Motion.

DATED this 15th day of April, 2021.

MARKOWITZ HERBOLD PC

By: s/Harry B. Wilson

Harry B. Wilson, OSB #077214  
HarryWilson@MarkowitzHerbold.com

KAPLAN HECKER & FINK LLP

Roberta A. Kaplan, *admitted pro hac vice*  
rkaplan@kaplanhecker.com

*Attorneys for Dr. Esther Choo*

CHOO\1132620